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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,452	03/07/2002	John P. Ruckart	010781	8750

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EXAMINER

HUANG, WEN WU

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,452

Applicant(s)

RUCKART, JOHN P.

Examiner

Wen Huang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 14-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/22/02</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 15 recites the limitation "said audio processing" in line 8 of claim 15.

There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "said audio processing" in line 9 of claim 20.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14-17 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Alonso et al (US 6,035,352).

Regarding claim 14, Alonso et al teach a mobile communication device, comprising:

a housing (see fig. 2, col. 2, line 10);

a mobile pager operably supported by said housing (see fig. 1, component 40, col. 1, lines 6-8 and col. 2, line 21); and

a self-contained audio recorder operably supported by said housing (see fig. 1, component 60, col. 2, line 22).

Regarding claim 15, Alonso et al further teach a mobile communication device of claim 14, wherein said mobile pager comprises:

a first microprocessor supported by said housing (see fig. 1, component 20, col. 2, line 19);

microprocessor support circuitry communicating with said first microprocessor, which is inherently implemented within said first microprocessor to support ports and bus of said first microprocessor and the surrounding control circuitry.

an interface controller operably connected to said microprocessor support circuitry, which is shown in fig. 1 labeled as "A/D" and "Control" and connecting component 80 and 70 to ports of component 20;

a display screen communicating with said interface controller (see fig. 1, component 80);

a keypad connected to said interface controller (see fig. 1, component 70);

transmitter receiver circuitry connected to said microprocessor support circuitry (see fig. 1, component 40, labeled as "Pager Flex Chip Set"); and

an antenna communicating with said transmitter receiver circuitry (see fig. 1, component 40, labeled as "Pager RF front").

Regarding claim 16, Alonso et al further disclose the mobile communication device of claim 15, wherein said self-contained audio recorder comprises:

a second microprocessor supported by said housing (see fig. 1, component 60, labeled as "Audio Rec/Play");

an input device communicating with said second microprocessor (see fig. 1, component 70);

record and playback circuitry coupled to said second microprocessor for recording a signal on a recording medium, which is inherently, implemented within "Audio Rec/Play" in fig. 1, component 60 to support audio signal processing;

a microphone communicating with said second microprocessor through said record and playback circuitry (see fig. 1, component 64); and

a speaker communicating with said second microprocessor through said record and playback circuitry (see fig. 1, component 62).

Regarding claim 17, Alonso et al also teach the mobile communication device of claim 16, wherein said recording medium is a solid-state memory device (see fig. 1, component 30, col. 2, line 20).

Regarding claim 19, Alonso et al teach a mobile communication device comprising:

a housing (see, fig. 2, col. 2, line 10);

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means supported within said housing for generating and receiving pager signals (see, fig. 1, component 40); and

means supported within said housing for recording and playing back an audio signal (see fig. 1, component 60) on a recording medium within said housing (see fig. 1, component 30).

Regarding claim 20, Alonso et al teach a mobile communication device comprising:

a housing (see fig. 2, col. 2, line 10);

a microprocessor supported by said housing (see fig. 1, component 20);

microprocessor support circuitry communicating with said microprocessor, which is inherently implemented within said microprocessor to support ports and bus of said microprocessor and the surrounding control circuitry.

an interface controller operably connected to said microprocessor support circuitry, which is shown in fig. 1 labeled as "A/D" and "Control" and connecting component 80 and 70 to ports of component 20;

a keypad connected to said interface controller (see fig. 1, component 70);

a speaker connected to said interface controller (see fig. 1, component 62);

a microphone connected to said interface controller (see fig. 1, component 64);

transmitter receiver circuitry connected to said microprocessor support circuitry (see fig. 1, labeled as "Pager Flex Chip Set" in component 40),

an antenna communicating with said transmitter receiver circuitry (see fig. 1, labeled as "Page RF front" in component 40);

a switch matrix communicating with said microprocessor which is inherently implemented within the "Keyboard Matrix" (see fig 1, component 70); and

record and playback circuitry coupled to said microphone, said microprocessor, and said speaker for recording an audio signal received by said microphone on a recording medium within said housing and playing back said audio signal through said speaker (see fig. 1, component 60).

Regarding claim 21, Alonso et al also disclose the mobile communication device of claim 20, wherein said recording medium is a solid-state memory device (see fig. 1, component 30).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alonso et al as applied to claims 16 and 20 above, and further in view of Pawlowski et al (US 6,038,199).

Regarding claim 18, Alonso et al disclose the mobile communication device of claim 16.

Alonso et al fail to show that further comprising an LED communicating with said second microprocessor.

Pawlowski et al teach an audio recorder comprising an LED communicating with said second microprocessor (see Pawlowski et al, fig. 3, component 70, col. 4, lines 33-35)

Therefore, it would have been obvious to one of ordinary skill in the art of the time of the invention was made to combine the apparatus taught by Alonso et al with the apparatus taught by Pawlowski et al in order to provide a cheap and convenient way to indicate the operation mode of the apparatus to users.

Regarding claim 22, Alonso et al as modified by Pawlowski et al further teach the mobile communication device of claim 20 further comprising an LED communicating with said second microprocessor (see Pawlowski et al, fig. 3, component 70, col. 4, lines 33-35).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yuan (US 5,970,387) teaches a radio pager and paging system capable of transmitting and storing voice message.

Cathey et al (US 6,532,375) show that the separation of cell phone circuitry and pager circuitry in a multiple usage communication device can save power.

Su et al (US 5,815,800) show a voice-pager system cable of recording and transmitting voice of human speech.

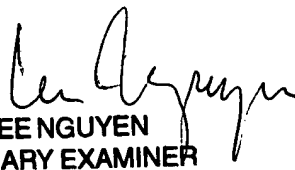
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen Huang whose telephone number is (703) 305-6285. The examiner can normally be reached on 10am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

wwh

8/5/04


LEE NGUYEN
PRIMARY EXAMINER